



Insurance Producers and the Affordable Care Act

The Affordable Care Act (ACA) requires every state to establish a Health Benefits Exchange (Exchange), also known as a health care marketplace (Marketplace), which must be operational and ready for open enrollment by October 1, 2013. One ACA requirement is that every Marketplace must establish a Navigator program to assist consumers as they seek services from the Marketplace. Licensed insurance producers can play a role in the Navigator program as well as in the individual and SHOP Marketplaces.

What are the Duties of a Navigator?

Pursuant to the ACA, the duties of a Navigator include:

- Maintaining expertise in eligibility, enrollment, and program specifications;
- Providing information and services in a fair, accurate and impartial manner;
- Facilitating selection of a Qualified Health Plan (QHP);
- Providing referrals to any applicable State agency or agencies for any enrollee with a grievance, complaint, or question regarding their health plan, coverage, or a determination under such plan or coverage; and
- Providing information in a manner that is culturally and linguistically appropriate to the needs of the population being served by the Marketplace.

A navigator who complies with the requirements of this act shall

- Conduct public education activities to raise awareness of the availability of qualified health plans
- Distribute fair and impartial information concerning enrollment in qualified health plans offered within the exchange and the availability of the premium tax credits under Section 36B of the Internal Revenue Code of 1986, 26 U.S.C. 36B, and cost-sharing reductions under Section 1402 of the federal Patient Protection and Affordable Care Act
- Facilitate enrollment in qualified health plans
- Provide referrals to appropriate federal and State agencies for any enrollee with a grievance, complaint, or question regarding their health plan or coverage or a determination under such plan or coverage
- Provide information in a manner that is culturally and linguistically appropriate to the needs of the population being served by the exchange

A navigator may not

- Recommend or endorse a particular health plan
- Sell, solicit, or negotiate while aiding a consumer
- Provide any information or services related to health benefit plans or other insurance products not offered in the exchange, except for health care providers when furnishing information or services related to a patient's health plan or other existing health insurance coverage



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- Accept any compensation or consideration, directly or indirectly, from any issuer of accident or health insurance or stop-loss insurance that is dependent, in whole or in part, on whether a person enrolls in or purchases a particular private health benefit plan

What are the differences between Navigators and In-Person Counselors?

Navigators perform the functions stated above and are federally grant funded. In-Person Counselors (IPCs) are similar to Navigators, except they can be funded with Illinois establishment grant funds. The regulations have indicated that IPCs will be required to meet similar standards and perform similar functions as Navigators.

Can an Insurance Producer be a Navigator?

Licensed insurance agents and brokers can be Navigators, but with some restrictions. For example, Navigators are expressly prohibited from receiving any consideration directly or indirectly from any health insurance issuer in connection with the enrollment of any individuals or employees in a QHP or a non-QHP. Navigators also cannot be a health insurance issuer, a subsidiary of a health insurance issuer or an association that includes members of, or lobbies on behalf of, the insurance industry,

What are Navigator Training Requirements?

Recent legislation passed in Illinois (SB1194) will require all Navigators to be certified by the Department of Insurance. Navigators are currently receiving training to carry out their duties. The training will ensure expertise in the needs of underserved and vulnerable populations, eligibility and enrollment rules and procedures, the range of QHP options and insurance affordability programs, and the relevant privacy and security standards. Navigators must avoid conflicts of interest and be qualified to engage in the Navigator activities prescribed by the ACA as well as the regulations promulgated by the Secretary of the Department of Health and Human Services (HHS).

What is the process for Navigator to make referrals?

On contact with a person who acknowledges having existing health insurance coverage obtained through an insurance producer, a navigator shall refer the person back to that insurance producer for information, assistance, or any other services unless

- The individual is eligible for but has not obtained a federal premium subsidy and cost-sharing assistance available only through an exchange
- The insurance producer is not authorized to sell health plans in an individual exchange
- The individual would prefer to not seek further assistance from their insurance provider



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May insurance producers enroll individuals and small groups in QHPs offered on the Marketplace?

A licensed insurance producer does not need to be a Navigator to enroll individuals and small groups in a Marketplace plan. Federal regulations allow states to permit agents and brokers to enroll individuals, employers or employees in any QHP in the individual or small group market; enroll qualified individuals in a QHP in a manner that constitutes enrollment through the Marketplace; and assist individuals in applying for advance payments of the premium tax credit and cost-sharing reductions for QHPs.

What must an insurance producer do to enroll individuals in Marketplace plans?

Agents and brokers must register with the Marketplace in advance of assisting qualified individuals enrolling in QHPs through the Marketplace. They must also receive training in the range of QHP options and insurance affordability programs, comply with the Marketplace's privacy and security standards, and apply for certification from the Illinois Department of Insurance. Additionally, where the website of an agent or broker is used to complete the QHP selection, the website must meet certain standards, including giving the consumers the ability to withdraw from the process and instead use the Marketplace website at any time.

Where can I get additional information?

Please refer to the Illinois Department of Insurance website: <http://insurance.illinois.gov> and the Illinois Health Reform website: <http://healthcarereform.illinois.gov> frequently for new information regarding Navigators and In-Person Counselors.